

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

**JOHN WESLEY UNITED METHODIST
CHURCH,**

Plaintiff

v.

**CHURCH MUTUAL INSURANCE
COMPANY,**

Defendant

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CIVIL ACTION NO. 6:19-cv-00047

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Pursuant to FED. R. CIV. P. 41(a)(1)(A)(ii), Plaintiff, **JOHN WESLEY UNITED METHODIST CHURCH** and Defendant, **CHURCH MUTUAL INSURANCE COMPANY** respectfully submit this Joint Stipulation of Dismissal with Prejudice, and state as follows:

1. Plaintiff is **JOHN WESLEY UNITED METHODIST CHURCH**; Defendant is **CHURCH MUTUAL INSURANCE COMPANY**.
2. Plaintiff brought the instant action in the 24th Judicial District Court of Victoria County, Texas on May 7, 2019. Defendant was served on May 10, 2019, and timely removed the action to this court on May 29, 2019. Defendant has not asserted a counterclaim nor does Defendant seek any affirmative relief herein.
3. The parties advise that they have reached a voluntary and agreed settlement addressing each and all of Plaintiff's claims and causes of action against Defendant herein.

4. Plaintiff voluntarily dismisses this suit pursuant to FED. R. CIV. P. 41(a)(1)(A)(ii). This dismissal affects all claims and causes of action related to the allegations asserted in this lawsuit.

5. Defendant, who has appeared herein, agrees to the dismissal. No other parties have been named or appeared in this matter.

6. The parties aver as follows with regard to the nature of this case:

- a. This case is not a class action (FED. R. CIV. P. 23);
- b. This case is not a derivative action (FED. R. CIV. P. 23.1);
- c. This case is not an action related to an unincorporated association (FED. R. CIV. P. 23.2); and
- d. This case does not involve a suit by or against a receiver, nor has any receiver been appointed or sought in this case (FED. R. CIV. P. 66).

7. This civil action is not governed by any federal statute that requires a court order for dismissal of the case.

8. Plaintiff has not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.

9. Pursuant to FED. R. CIV. P. 41(a)(1)(B), the parties stipulate that this dismissal is intended to be **with prejudice**.

10. The parties further stipulate that all costs and other expenses shall be borne by the party incurring same.

11. Pursuant to the foregoing, the parties respectfully request that the Court enter an Order dismissing this matter with prejudice.

Signed: October 18, 2021

Respectfully submitted,

/s/ Derek L. Fadner

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**JOHN WESLEY UNITED METHODIST
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- and -

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